

## **REMARKS**

### **Interview Summary**

Applicant greatly appreciates the courtesy that was extended by Examiner Pechhold during the telephone interview held on March 15, 2004. During the interview, proposed amendments to the “filter body” recited in claims 7, 16, and 28 were discussed. Pursuant to the Examiner’s comments, Applicant now amends these claims accordingly to overcome the rejection based on the cited references. Should the Examiner have comments or additions to this summary, the Examiner is hereby invited to contact Applicant’s attorney at the number listed below.

### **Status of Claims**

Claims 1-6 and 23-27 are allowed. Claims 7-9, 11, 13, 15-22 and 28 are rejected. Claims 10, 12 and 14 are objected to. Claims 7, 16, and 28 have been amended. These claims as amended find support in the specification on pages 7-8. No new claims have been added or cancelled.

### **The Response**

#### **Rejection under 35 U.S.C. § 102**

Claims 7- 9, 11, 13, 15-21, and 28 are rejected under 25 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,045,691 (“McDermott”). In particular, the Examiner contends that “McDermott discloses a catch basin filtration system comprising a filter body, seen as troughs (4)... and one or more fluid displaceable adsorbent containers with the filter body, seen as sock (2) and bag (3)...” Office Action dated September 16, 2003 at 2. Applicant respectfully submits that McDermott fails to anticipate the referenced claims.

In a sincere effort to place the claims in condition of allowance, Applicants have amended claims 7, 16, and 28 in view of the Examiner's remarks. These claims now recite, *inter alia*: "... a filter body dimensioned to fit within an inlet and obstructing at least a portion of said inlet, said filter body comprising a porous material..." In contrast to these amended claims, McDermott's "troughs (4)" are expressly impermeable to water. *See* McDermott at column 3, line 55 (stating that "[m]y invention have a plurality of troughs that are impermeable to water...") and column 6, lines 37-39 (claim 1 reciting "...troughs having an open top and adjacent open ends, and having a bottom and two sides which are impermeable to water..." ); *see also* Office Action dated September 16, 2003 at 5 (recognizing that "[e]ven though the troughs [of McDermott] are indeed impermeable..."). As such, the referenced claims are distinguishable from McDermott.

For at least the foregoing reasons McDermott fails to include every material element of claims 7, 16, and 28. Since claims 8-9, 11, 13, and 15 depend from claim 7 and claims 17-21 depend from claim 16, McDermott similarly fails to anticipate these claims as well. Applicants thus submit that McDermott fails to anticipate claims 7-9, 11, 13, 15-21, and 28.

### **Rejection under 35 USC § 103**

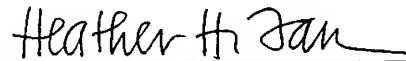
Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over McDermott (U.S. 6,045,691). In particular, the Examiner contends that: "[i]t would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the attachment of the bag of McDermott in the holes to utilize clips, snaps, loops or VELCRO™, since these are commonly used fastening means, which can be readily combined with the holes to fasten the bag to the troughs." Office Action dated September 16, 2003 at page 4. Applicant submits that this rejection has been obviated by the previously discussed amendment to independent claim 16, from which this claim depends. As such, Applicant submits that McDermott does not render claim 22 obvious.

### **CONCLUSION**

In view of the foregoing amendments and remarks, the Applicants believe that the application is in good and proper condition for allowance. A Notice of Allowance is earnestly requested. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 463-8100.

Respectfully submitted,

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